

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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TONY PHILLIP ROGERS,

Petitioner,

v.

Case No. 17-C-446

PAUL KEMPER, *Warden*,

Respondent.

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**ORDER DENYING MOTION FOR CORRECTION OR  
MODIFICATION OF APPELLATE RECORD**

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Petitioner Tony Rogers has filed a motion for correction or modification of the appellate record pursuant to Rule 10(e)(2) of the Federal Rules of Appellate Procedure. The motion is denied. No supplementation of the record is necessary. The state court proceedings, to the extent they were considered by this court, are a matter of record. This includes transcripts of hearings that were in front of the state court, as well as the documents and pleadings that were filed in this court. Petitioner has already designated the entire record for the purposes of his appeal, and thus is free to cite to any portion of the record that he believes supports his contentions and claim of error.

Petitioner also asks that cases 17-C-446 and 17-CV-446 be consolidated under one case number to ensure all information is transferred to the U.S. Court of Appeals for the Seventh Circuit. In fact, both numbers refer to the same case. The letters "C" and "CV" to designate civil cases appear to be used interchangeably by counsel and the courts. Documents bearing either notation are filed in the same docket.

In sum, petitioner has failed to designate any evidence or document that is not already a matter of record before this court. His motion is therefore denied.

**SO ORDERED** this 22nd day of October, 2018.

s/ William C. Griesbach  
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William C. Griesbach, Chief Judge  
United States District Court